

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Cinseree Johnson, :
 :
 Plaintiff, :
 :
 v. : Case No. 2:06-cv-0626
 :
 Ohio Civil Rights Commission, : JUDGE GRAHAM
 :
 Defendant. :

ORDER

On August 9, 2006, the Magistrate issued a Report recommending that pro se plaintiff, Cinceree Johnson's, complaint be dismissed for failing to state a claim on which relief may be granted. Ms. Johnson did not file an objection to the Magistrate's Report, but on August 18, 2006, Ms. Johnson filed a motion to amend her complaint.

Preliminarily, the Court notes that Ms. Johnson failed to attach a copy of the proposed amended complaint to her motion to amend. The Court recognizes, however, that the proposed amended complaint has the potential to alter the Magistrate's Report recommending that the complaint be dismissed for failing to state a claim upon which relief can be granted. Under Fed.R.Civ.P. 15(a), because the defendant Ohio Civil Rights Commission has not filed its answer, Ms. Johnson does not need to seek leave to file the amended complaint. Accordingly, the motion to amend the complaint (doc. #5) is GRANTED. The amended complaint must be filed at the Clerk's office within 15 days of this Order.

/s/ Terence P. Kemp
United States Magistrate Judge